

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-  
Defendant

v.

APPLE, INC.,

Defendant,  
Counterclaimant.

Case No. 4:20-CV-05640-YGR

DECLARATION OF CYNTHIA WILLIAMS  
IN SUPPORT OF EPIC GAMES, INC.'S  
ADMINISTRATIVE MOTION TO SEAL  
LIMITED PORTIONS OF THE PARTIES'  
TRIAL EXHIBITS AND ANY REFERENCES  
AT TRIAL TO THE INFORMATION  
SOUGHT TO BE SEALED (ECF NO. 731)

I, Cynthia Williams, declare as follows:

1. I am currently the VP Ecosystem Commercial, Gaming at Microsoft Corporation ("Microsoft"). The facts stated in this declaration are based on my own personal knowledge and, if called as a witness, I could and would testify to those facts.

2. In my current role at Microsoft, I am responsible for commercial partnerships that bring gaming content to Xbox. I have been employed with Microsoft since August 2018. Based on my work experience, I am familiar with Microsoft's business strategies, sales data, and licensing practices as it relates to Xbox. Microsoft keeps such information confidential to protect itself and its partners from potential harm.

3. I understand that Epic Games, Inc. ("Epic") has filed an Administrative Motion to Seal portions of DX-4133, a trial exhibit in the above-captioned legal case. Portions of PX-4133 are derived from or reflect Microsoft confidential information. I make this declaration in support of Epic's motion. I further understand that a copy of DX-4133 has been submitted as a trial exhibit in this litigation. I have reviewed Page 3 of the exhibit and explain below why the portions of the sealed exhibit that are redacted in PX-4133 hereto contain sensitive and highly confidential information that would cause serious harm to Microsoft if publicly released.

4. Page 3 of the trial exhibit, PX-4133, contains non-public information derived from confidential data provided by Microsoft to Epic under a non-disclosure agreement and would result in harm to Microsoft if publicly disclosed. Microsoft treats this data as sensitive, and only discloses it to a select group of individuals on a need-to-know basis. The figures in the slide are based upon confidential Microsoft data provided to Epic, and the telemetry they derive from Xbox players. Such information is highly sensitive and commercially valuable to Microsoft's competitors. The highlighted information also reveals and reflects confidential information related to Microsoft's product and game development strategy for Xbox and gaming. Release of such information is valuable to Microsoft's competitors and could be used to undercut Microsoft's position in the gaming industry. Release of such information could also harm Microsoft's relationships with other business partners.

I declare under the penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed this 21st day of May 2021 in Kihei, Hawaii.

/s/ Cynthia Williams  
CYNTHIA WILLIAMS

#### ATTESTATION

I, David P. Chiappetta, am the ECF user whose ID and password are being used to file the above Declaration. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Cynthia Williams has concurred in the aforementioned filing.

/s/ David P. Chiappetta  
David P Chiappetta